

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.	:	10/716,248	Confirmation No. 5207
Applicant	:	David M. Tucker & Charles R. Yemington	
Filed	:	11/17/2003	
TC/AU	:	2856	
Examiner	:	Paul M. West	
Docket No.	:	205-0034R1	
Customer No.	:	29855	

EFS Submission  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

**REQUEST FOR CONTINUED EXAMINATION**

Sir:

In response to the final office action mailed 03/08/2007, the Advisory Action mailed 6/26/07, as well as further telephone conferences with the Examiner, Applicants on 8/30/2007 provided the required Supplemental Oaths that were believed to place the instant reissue application in condition for allowance. Although the PAIR database provides that the response was forwarded to the Examiner on 09/05/2007, no further actions have been received from the PTO.

On March 03, 2006, the Applicants disclosed that an *Inter Partes* Reexamination of U.S. Patent No. 6,840,088 ('088 Reexamination) had been filed and that said patent was related to the present application. The Control No. for the '088 Reexamination is 95/000128. Although the references cited by the Third Party Requester in the '088 Reexamination have been made of record in the present case and it is believed that the Examiner would have ready access to the status and filings in the '088 Reexamination, in an abundance of caution, the present RCE is filed such that the recent Office Action and responses thereto in the '088 Reexamination will be made explicitly of record and shown to have been considered.

The Examiner's attention is drawn to the fact that *Inter Partes* Reexamination Control No. 95/000,128, remains pending and that the respective underlying application is related as a CIP to the instant case. The IDS submitted herewith discloses the filings of record in *Inter Partes*

Reexamination Control No. 95/000,128 but does not resubmit references that have already been submitted. Should the Examiner wish to have copies of any of these references or have any questions, please do not hesitate to call Applicant's attorney at 832-446-2421.

Respectfully submitted on 8-8-2008,

By



Marilyn M. Huston  
Reg. No. 37,851  
Wong, Cabello, Lutsch, Rutherford  
& Brucculeri, L.L.P.  
20333 SH 249, Suite 600  
Houston, TX 77070  
(832) 446-2421  
[wcpatent@counselip.com](mailto:wcpatent@counselip.com)

CERTIFICATE OF EFS TRANSMISSION

I hereby certify that this document is being transmitted electronically to the USPTO EFS Portal, according to 37 CFR § 1.8(a)(1)(i)(C) on Aug. 8, 2008.

Typed or printed name of person signing this certificate:

Marilyn M. Huston



Registration Number: 37,851